

# BEST AVAILABLE COPY


PATENT  
Attorney Docket No. B0410/7273D1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Robert L. Cafferata  
SERIAL NO.: 10/767,551 GROUP NO.: 1615  
FILING DATE: January 29, 2004 EXAMINER: Carlos A. Azpuru  
TITLE: SYSTEMS AND METHODS FOR TREATING ISCHEMIA

### CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to MAIL STOP 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11<sup>th</sup> day of January 2006.

  
Debra M. Doherty

MAIL STOP 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Sir:

Applicant hereby requests a refund of the claim fees paid in excess of that required for the above-identified patent application under 37 C.F.R. § 1.26(a). As indicated on the Patent Application Fee Determination Record (a copy of which is hereby enclosed as Exhibit A), the U.S. Patent and Trademark Office has charged \$200.00 to Deposit Account No. 50-1721 for 4 extra dependent claims and \$200 for 1 extra independent claim based on the Response to Restriction Requirement and Preliminary Amendment filed on September 26, 2005. A copy of the deposit account statement is enclosed herewith as Exhibit B in accordance with 37 C.F.R. § 1.26(b).

The application as filed contained a total of 14 claims, of which 4 were independent and 10 dependent. The fee for the fourth independent claim was paid for along with the application filing fees. The amendment filed September 28, 2005 in response to the Restriction Requirement did not

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change the number of independent claims, and so one of the \$200 fees should not have been charged on September 28, 2005. The other \$200 fee, for four extra claims above 20, is correct.

Accordingly, please credit \$200 to Account No. 50-1721.

Please contact the undersigned with any questions regarding the request.

Respectfully submitted,



Joyce C. Hersh

Reg. No. 42,890

Attorney for Applicant

KIRKPATRICK & LOCKHART

NICHOLSON GRAHAM LLP

75 State Street

Boston, Massachusetts 02109

Tel. No.: (617) 261-31008

Fax No.: (617) 261-3175

Date:

January 11, 2006

**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective October 1, 2003

Application or Docket Number

10762551

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS	14	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	14 minus 20 =	-
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

	(Column 1)	(Column 2)	(Column 3)
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	14	Minus	-
Independent	4	Minus	-
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE	RATE	FEE
BASIC FEE	385.00	BASIC FEE	770.00
XS 9=		XS18=	
X43=		X86=	
+145=		+290=	
TOTAL		TOTAL	

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
XS 9=		XS18=	
X43=		X86=	
+145=		+290=	
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	

102122

	(Column 1)	(Column 2)	(Column 3)
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	24	Minus	- 20 = 4
Independent	4	Minus	- 3 = 1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
XS 9=		XS18=	200
X43=		X86=	200
+145=		+290=	
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	400

	(Column 1)	(Column 2)	(Column 3)
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		Minus	-
Independent		Minus	-
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
XS 9=		XS18=	
X43=		X86=	
+145=		+290=	
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \* If the "Highest Number Previously Paid For" ON THIS SPACE is less than 20, enter "20."  
 \* If the "Highest Number Previously Paid For" ON THIS SPACE is less than 3, enter "3."  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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PATENT  
Attorney Docket No. B04107273D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Robert L. Cafferata CONF. NO.: 5081  
SERIAL NO.: 10767,551 GROUP NO.: 1615  
FILING DATE: January 29, 2004 EXAMINER: Carlos A. Azpuru  
TITLE: SYSTEMS AND METHODS FOR TREATING ISCHEMIA

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of September 2005.

  
Debra M. Doherty

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

Transmitted herewith for filing is/are the following document(s):

1. Response to Restriction Requirement and Preliminary Amendment; and
2. Return Postcard

If the enclosed papers are considered incomplete, the Mail Room or other persons are respectfully requested to contact the undersigned collect at (617) 261-3100. Any required fees should be charged to the account of the undersigned, Deposit Account No. 50-1721, Reference No. B04107273D1. A duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,

  
Arthur Z. Bookstein  
Reg. No.: 22,958  
KIRKPATRICK & LOCKHART  
NICHOLSON GRAHAM LLP  
75 State Street  
Boston, Massachusetts 02109-1808  
Customer No.: 022832  
Tel.: (617) 261-3100

DATE: September 26, 2005



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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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P.O. Box 1450  
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www.uspto.gov

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

KIRKPATRICK & LOCKHART NICHOLSON & GRAHA FINA  
KAY SPIRIDIGLIOZZI  
75 STATE STREET  
BOSTON MA 02109-1808

Account No.	501721
Date	10-31-05
Page	1

PLEASE SEND REMITTANCES TO:  
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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
10	3	05	1	10984186	CPC-007C1	1202	350.00	46230.00
10	3	05	2	10984186	CPC-007C1	1201	400.00	45830.00
10	4	05	101	2994113	TVP-601	8503	15.00	45815.00
10	5	05	18	78349955	MCT-601 (0519180.0102)	6001	325.00	45490.00
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10	12	05	273	10484985	PZZ-002	8021	40.00	45325.00
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10	18	05	498	11090787		8021	40.00	45245.00
10	18	05	566	11090825		8021	40.00	45205.00
10	19	05	2	10767551	10/7273D1	1202	200.00	45005.00
10	19	05	3	10767551	10/7273D1	1201	200.00	44805.00
10	19	05	16	10968845	MAG-012	8007	20.00	44785.00
10	24	05	32	10603064	LEX-010	1202	300.00	44485.00
10	24	05	33	10603064	LEX-010	1814	130.00	44355.00
10	26	05	6	PAYMENT		9203	-7787.00	52142.00

Exhibit B

AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT				OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
				46580.00	2225.00	7787.00	52142.00

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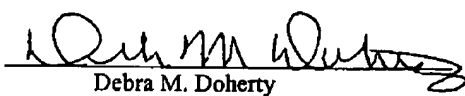
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Debra M. Doherty

MAIL STOP AMENDMENT  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is/are the following document(s):

1. Request for Refund with Exhibits A and B; and
2. Return Postcard

If the enclosed papers are considered incomplete, the Mail Room or other persons are respectfully requested to contact the undersigned collect at (617) 261-3100.

Respectfully submitted,

  
Joyce C. Hersh

Reg. No.: 42,890

KIRKPATRICK & LOCKHART

NICHOLSON GRAHAM LLP

75 State Street

Boston, Massachusetts 02109-1808

Customer No.: 022832

Tel.: (617) 261-3100

DATE: January 11, 2006

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02 FC:~~1201~~ ~~200.00~~ DA

Adjustment date: 01/26/2006 SDENB001  
10/19/2005 MPEOPLES 00000002 501721 10767551  
02 FC:1201 200.00 CR